

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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BRANDON JERMAINE COLLIER,

Plaintiff,  
v.  
Case No. 20-cv-1571-pp

KEVIN CARR,

Defendant.

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**ORDER DIRECTING PLAINTIFF TO PAY FULL FILING FEE OR  
FILE REQUEST TO PROCEED WITHOUT PREPAYING FILING FEE**

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On October 14, 2020, the Clerk of Court told the plaintiff, an inmate at Fox Lake Correctional Institution who is representing himself, that within twenty-one days, he had to file a magistrate judge consent form and either pay the full \$400 filing fee or file a request to proceed without prepaying the filing fee. Dkt. No. 3. The plaintiff has filed the magistrate judge consent form, dkt. no. 5, but the court has not received the filing fee or a request to proceed without prepaying the filing fee.

Oddly, while the plaintiff did not file a request to proceed without prepaying the filing fee, he *did* provide the court with a certified copy of his institutional trust account statement. Dkt. No. 2. The court received the trust account statement on November 13, 2020—the same day it received the complaint. Two days later, on October 15, 2020, the court entered an order requiring the plaintiff to pay an initial partial filing fee of \$56.09 within twenty-one days. Dkt. No. 4. That order mistakenly stated that the plaintiff had “filed a

petition asking the court for leave to proceed *in forma pauperis*.” *Id.* at 1. As noted, the plaintiff has not filed that petition, so the court jumped the gun and prematurely calculated his initial partial filing fee. The court cannot take any further action in the case until the plaintiff either pays the \$400 filing fee or files a request to proceed without prepaying the filing fee.

About three weeks after the court received the complaint, it received from the plaintiff a request for the court to allow him to pay the initial partial filing fee from his release account. Dkt. No. 6. The plaintiff stated that the business office at the prison told him that he needed an order from the court allowing him to use his release account to pay his filing fee. *Id.* He stated that he had enough money in his release account to pay the fee and asked for more time to do so. *Id.*

The court cannot rule on the plaintiff’s motion to pay the initial partial filing fee from his release account, or do anything else in the case, until the plaintiff either pays the full \$400 filing fee or files a request to proceed without prepaying the filing fee. The court encloses with this order a blank form for the plaintiff to fill out, asking the court to allow him to proceed without prepaying the filing fee.

The court **ORDERS** that the plaintiff either must pay the \$400 filing fee or file a Request to Proceed in District Court Without Prepaying the Full Filing Fee in time for the court to *receive* it by the end of the day on **December 18, 2020**. If the court does not receive either the \$400 filing fee or the completed

request form by the end of the day on December 18, 2020, the court will dismiss the case for failure to comply with the court's order.

The court will send a copy of this order to the officer in charge of the agency where the inmate is confined.

Dated in Milwaukee, Wisconsin this 23rd day of November, 2020.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**Chief United States District Judge**